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## Sample Entrance Letter to AIP



#### **VIA E-MAIL**

United States
Department of
Agriculture

AIP Name

Attn: Joe Manager

Farm and Foreign Agricultural Services

Corporate Compliance Manager

Address Anywhere, US 20250

Risk Management

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Agency

Re: Large Claim Review – 2015 Crop Year – Producer Name, Corn,

Policy Number: 0012345

XXX Regional Office

Dear Mr. Manager:

Regional Office Address and Zip

As you are aware, the Xxxxx Regional Office (RO) elected to participate in the loss adjustment for the potential large claim for Producer (Policy Number: 0012345, Crop: Corn). All coordination of loss adjustment activities, including field inspections, conversations with the producer, and all related activities must include [Xxxxxx RO]. All future notices or claims filed for this crop are subject to this participation and must be provided to [Xxxxxx RO].

To maintain a complete claim and underwriting file, the [Xxxxx RO], requires the following information and documentation by December XX, 2017 (allow 30 days):

- Name and contact information for loss adjusters(s) for this claim;
- Name and contact information for field loss supervisor for this claim;
- Name and contact information for the underwriter for this policy:
- Complete underwriting policy file, including but not limited to:
- Application
  - APH (reviewed and verified by [AIP])
  - Written Agreement, if applicable
  - Acreage Report
  - Pre-acceptance inspection
  - All other underwriting documents related to this policy;
- Complete claim policy file, including but not limited to:
  - Notice of Loss
  - Field notes or inspections to determine potential large claim;
  - GSIs and photographs
  - All other claim documents related to this policy.

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# Sample Entrance Letter to AIP (Continued)

The [Xxxxx RO] shall also receive copies of all additional claim documents, notes, etc. prepared in the settlement of this claim. To conduct the review, please note the following requirements:

Entrance Conference - The [Xxxxxx RO] held an Entrance Conference with your designated field supervisor on November 18, 2017. During this conference, we discussed the strategy to approach and process the claim, including information relayed by this letter and the FCIC-14040, Large Claims Handbook. [AIP] field staff was asked about crop conditions in the area, and other information relevant to this policy.

An Entrance Conference was held with the Policyholder – The [Xxxxxx RO] and [AIP] staff held an Entrance Conference call with the policyholder on December 1, 2017 to discuss the claims process. Claim items discussed were the [Xxxxxx RO] and [AIP] roles and responsibilities, the claim process, applicable policy provisions, and records or other documentation the policyholder will need to complete the claim. Questions, answers, and the information provided at this meeting were documented and signed by the [AIP] representatives and retained in the claim file.

The FCIC-14040, Large Claims Handbook, provides that the [Xxxxx RO] must be notified of and have an opportunity to participate in all loss adjustment activities. In addition to field inspections, loss adjustment activities include meetings with producers and third parties to collect information, reviewing the results of field inspections, or the possible outcome of the claim. The [Xxxxxx RO] may, based on our observations of the progress the claim is making, elect to waive joining in certain activities. In such case, your loss adjuster(s) and field loss supervisor(s) shall be advised in writing that they may continue certain specifically identified activities.

[AIP] representatives shall not discuss pending claim determinations with the policyholder or other interested parties until the [Xxxxxx RO] completes its review and joins in the Exit Conference with the policyholder.

Exit Conference – the [Xxxxxx RO] will conduct an Exit Conference with your field staff and the policyholder to discuss pending claim determinations and give the producer an opportunity to provide additional information to be considered in the final claim determinations. Determining the validity of documentation submitted during the claim process is your responsibility. Someone from your company who can discuss the indemnity payment process may be asked to join. The Exit Conference conversations are documented, and will be signed by the [AIP] and [Xxxxxx RO] participants, and retained in the claim file.

Indemnity Payment - Payment of any indemnity or the revision of underwriting or claim documents must not be processed without [Xxxxxx RO] approval. If the decision is not adverse to the policyholder – meaning the guarantee remains unchanged and all aspects of the loss are uncontested, the [Xxxxxx RO] shall authorize payment of the indemnity before the letter is issued. If the claim determinations are in any way adverse to the

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## Sample Entrance Letter to AIP (Continued)

Policy holder, the claim shall not be processed until the decision letter is issued. The [Xxxxx RO] may authorize an indemnity on a unit basis.

Decision Letter – The [Xxxxxx RO] shall ask you to review and provide concurrence on the decision letter. Once the [Xxxxxx RO] receives your concurrence, the [Xxxxxx RO] will issue the claim decision letter to the producer with appropriate appeal rights.

Policyholder Disputes - When the [Xxxxxx RO] participates, the policyholder's dispute is with Risk Management Agency (RMA). Should the policyholder appeal to USDA's National Appeals Division (NAD) or pursue the case to United States District Court, you are reminded that the Large Claims Handbook states:

FCIC-14040, Part 6 Dispute Resolution, Paragraph 45, A. General Information:

- "(3) When RMA elects to participate in the loss determination, or modifies, revises, or corrects a claim during review prior to the AIP reaching an agreement with the policyholder or prior to the AIP making payment to the policyholder on the claim:
- (a) If the policyholder disputes the claim, the policyholder's dispute on the RMA modification, revision or correction will be with RMA.
  - (ii) The AIP must provide RMA with cooperation and assistance as needed in any dispute with the policyholder."

**Note:** A common misconception concerning RO participation in a large claim is that RMA has taken over your claim. This is not true. RO participation means that the RO joins with you in making all claim determinations unless participation in some determinations is waived. We work together to develop findings and determine the amount due according to policy provisions. The RO may ask your loss adjusters to conduct additional research and to collect additional information. The approach to be taken, the application of policy provisions and procedures, and concerns shall be discussed privately; remaining united and professional in the policyholder's presence.

If we ultimately disagree on the amount due according to policy provisions and RMA determines that the amount due should be sustained without further modifications, the RO shall instruct you in writing to process the RO determined claim amount. However, by working closely together, this usually will not become an issue.

If there is a dispute and the Company wishes to take issue with the RMA determined amount due the producer or any other concern in regards to the handling of this claim, the Company must follow the process outlined in the Large Claims Handbook for Dispute Resolution.

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# Sample Entrance Letter to AIP (Continued)

RMA supports your need to provide timely customer service. Working together, we can ensure appropriate and timely claim settlement. Please contact [RO Specialist] at XXX-XXXX if you have any questions concerning this letter or participation in this claim.

Sincerely,

Name

Director